

## **MINUTES**

### **CRESSKILL PLANNING BOARD**

**APRIL 26, 2022**

Mr. Ulshoefer opened the meeting at 7:30 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call:

Mayor Romeo, Councilwoman Schultz-Rummel, Mr. Ulshoefer, Ms. Bauer, Ms. Furio, Mr. Malone, Mr. Rummel, Mr. Sutera, Ms. Tsigounis and Mr. Berger. Also present was Mr. Paul Azzolina, Borough Engineer, and Mr. Dean Stamos, Board Attorney.

\*\*\*\*

Ms. Furio made a motion to approve the minutes of the April 12, 2022, meeting, seconded by Mr. Rummel. All present were in favor of the motion. Motion approved.

\*\*\*\*

### **Correspondence**

Letter from Mr. Mark D. Madaio dated April 21, 2022, stating that he has a schedule conflict and would like to carry the Public Hearing for Applications #1578M and #1581, 33 and 35 Westervelt, Jameli & Drita Ferati, to the May 24<sup>th</sup> meeting. He would like it announced at this meeting so that they do not need to re-notice the public.

\*\*\*\*

### **Subdivision Committee**

Ms. Tsigounis had nothing to report.

\*\*\*\*

### **Report from the Borough Engineer's Office**

Mr. Azzolina noted that on Application #1582, LCL Development Group LLC, 7 New Street, he has reviewed the plans. The plans appear to be substantially complete, but there is a wrinkle with this application that he mentioned previously. The existing home fronts on E. Madison Avenue. The proposed dwelling is to have frontage on New Street. There is a section in the code that speaks of corner lots and basically what it says is once a frontage is established it has to be maintained. Under the definition section of the code a corner lot is a lot which occupies the interior angle at the junction of and abutting on two or more intersecting streets when the interior angle of intersection does not exceed 135°. On a corner lot, the owner shall have the privilege of selecting any abutting street line as the front line, providing such designation is clearly shown on the building plans filed with and approved by the Construction Official. Upon initial designation by an owner, the selected front line shall remain as the front line for all subsequent owners. However, each side of a corner lot abutting on a street line shall meet the minimum district requirements for front yard and lot width at the street line. Each yard abutting a street shall be a front yard for purposes of setting a setback. No fences shall be permitted in the front yards of corner lots. His position would be that with the re-orientation of the dwelling, although the width of the lot along New Street is an existing condition, by proposing to front the home along that street, that is in essence a variance condition. You are creating that variance. The frontage on New Street is approximately 87 feet, whereas 100 feet would be required for the R-10 zone. They have well in excess of 100 feet along E. Madison Avenue. Once you rotate the dwelling, you are no longer complying with respect to the lot width requirement.

The application has asked for a waiver of the 200-foot radius topo, which typically that is simply a tax map exhibit. Mr. Azzolina showed the tax map that would show that the lot actually does not go to County Road, depending on where you think County Road begins and ends. The lot next door truly fronts on County, this one is kind of at the intersection of County and E. Madison Avenue. The address is currently E. Madison Avenue and they are proposing to have a New Street address. That is not to say it can't be done, he is just suggesting that in order to do that they need to have a variance application and a public hearing.

Ms. Tsigounis stated that it actually seems safer now that the driveway is going to be on New Street instead of the area where it is now. Is there an opportunity that a waiver can be granted? Mr. Azzolina will leave that up to the Board. The only thing he will say is that we did encounter this situation about five or six years ago at Deacon and Evans, but that one was a little bit different because that is where we had the discussion about what is the front of the house and what is the back of the house. This application is not quite as convoluted as that one was. Mr. Louis Baez, the owner, noted that that is one of the primary reasons to try to re-orient the property to face on New Street, just from a public safety perspective, he also thought that a New Street entrance would be safer. Mr. Azzolina stated that there are a lot of cut-throughs no doubt.

Mr. Azzolina noted that would be the only variance required given the configuration as presented. They were classifying the lot width as an existing non-conformity, but he says that kind of goes away once you change the orientation of the dwelling on the property. Mr. Stamos also agrees that it is a variance. It is not something that can be waived.

Mr. Azzolina asked Mr. Baez if he was the owner of the property or a contract purchaser. Mr. Baez noted that he is the owner. He asked if from a frontage perspective, are they just talking about the front door. Mr. Azzolina stated that a corner lot has two frontages. On the other application the discussion was relative to the front door. Mr. Baez asked if this was a matter of where he placed the front door for the property. Mr. Malone asked if he put the garages on New Street, but kept the front door on E. Madison, would that work without needing a variance. Mr. Azzolina said he would leave that up to the Board. Mr. Stamos noted that they would maintain the address of E. Madison but have the driveway on the side. Mr. Malone thinks that would work.

Mr. Baez asked if that is the case, would they just have to modify the plans and submit them to the engineer or would they have to come back to the Planning Board. Mr. Malone noted that the Planning Board has to approve it. The question is whether you will need a public hearing or whether we just do it because there are no variances needed. If you wanted the front to be on New Street, then you will need a variance. Mr. Stamos stated that he doesn't think it will cost them as much time as they think it will. They will have to analyze the benefit for them, the time they will gain by keeping it on E. Madison or moving it to New Street.

Mr. Baez stated that they already petitioned to change the address to New Street with the tax assessor and his understanding is that it has already gone through.

Mr. Azzolina noted that there are a couple other issues relative to the site plan. All the trees are not shown on the plan that are existing. There are a number of larger trees that need to be added. There are a couple other minor elements. They are required to get Bergen County Soil Conservation District approval. Mr. Baez noted that he has already made that application about three weeks ago. If they are going to relocate the front door, they are going to have to reconfigure the architectural drawings. Mr. Baez asked about the trees that he needs to show on the plan. Mr. Azzolina noted that trees are defined in this town as 10" and greater. The trees that he is speaking of are large trees all greater than 10". Also, a mitigation based on the number of trees they are removing. That needs to be addressed. His primary issue from his perspective is the possible frontage variance.

Mayor Romeo asked Mr. Baez which way he wanted to face the house. Mr. Baez noted that his preference is New Street but he will have to go back and look into the cost and time it will take to go through the variance process, but he might just opt to go with the front door on E. Madison and essentially leave the

house as it is. Mr. Azzolina noted that this plan is substantially complete with just some minor issues if he decides to go the variance route. This application has already been filed and escrows have been paid.

Mr. Baez was informed that if he can get the list of property owners within 200 feet and get the notices out quickly, we can schedule the Public Hearing for the next meeting. Mr. Baez asked if he had to get an attorney involved. Mr. Stamos asked him if he was a single-member LLC. If so, he could represent himself in court, so he could represent himself here. Mr. Azzolina asked Mr. Baez if this was going to be owner-occupied or if this was an investment. Mr. Baez noted that this was an investment.

Mr. Azzolina informed Mr. Baez that he will get his report together for his engineer with the changes that will be required. On some of the things she asked for waivers and it is probably easier to add them to the plan and it would be easier to get the relief you are asking for. Mr. Azzolina will speak to his engineer and to Mr. Baez if need be and he will be ready for the Public Hearing on May 24, 2022. Mr. Baez was instructed on what he needs to do for the Public Hearing and was okay with having the hearing on May 24.

\*\*\*\*

### **Old Business**

Mr. Stamos announced, that due to a conflict, the Public Hearing scheduled for tonight, Applications #1578M and 1581, 33 and 35 Westervelt, has been carried from tonight to May 24, 2022, and there will not be any further notice.

\*\*\*\*

### **New Business**

None.

\*\*\*\*

### **Other Business**

None.

\*\*\*\*

Mr. Ulshoefer opened the meeting to the public. No public wished to be heard. Mr. Ulshoefer closed the meeting to the public.

\*\*\*\*

Motion was made by Mr. Rummel to adjourn the meeting at 7:50 PM, seconded by Ms. Tsigounis. All present were in favor. Motion approved.

\*\*\*\*

The next four regular Planning Board meetings are scheduled for May 10, May 24, June 14, and June 28, 2022, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo  
Recording Secretary